



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

California State Office

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January 14, 2002

In Reply Refer To:

6840(P)

CA-930

EMS TRANSMISSION: 1/14/02

Instruction Memorandum No. CA-2002-020

Expires: 9/30/2003

To: District Manager, California Desert

From: State Director

Subject: Reinstatement of Proposed "Threatened" Status for the Flat-tailed Horned Lizard

DD: 4/16/02

On December 26, 2001, the Fish and Wildlife Service (FWS) published a notice (*Federal Register* 66:66384-66385; copy attached) reinstating its proposed rule to list the flat-tailed horned lizard (*Phrynosoma mcallii*) as a threatened species. This action was taken to comply with the terms of a Court Order issued on October 24, 2001, by the U.S. District Court for the Southern District of California. The FWS originally proposed to list the flat-tailed horned lizard on November 29, 1993 (*Federal Register* 58:62624-62629; copy attached). The proposed listing was subsequently withdrawn by the FWS on July 5, 1997 (*Federal Register* 62:37852-37860; copy attached). The FWS decision to withdraw the proposed listing was then challenged in court. The reinstated proposed listing has a 120-day public comment period, which closes on April 25, 2002. Critical habitat was not proposed in the 1993 listing proposal, nor is it addressed in the reinstatement notice.

Please review the attached Federal Register notices and provide us with your comments, if any, on the reinstated proposed listing by April 16, 2002. Because the range of this species extends beyond California, BLM comments on the proposed rule will need to be coordinated with the Arizona State Office. The reinstatement notice states: "We are specifically seeking information that has become available concerning the flat-tailed horned lizard since the last public comment period on the proposed rule which closed on June 9, 1997. Information is particularly requested concerning: (1) Threats to the species as a whole or to local populations, (2) the size, number, and/or distribution of known populations, (3) sufficiency of current conservation/management and/or regulatory mechanisms for the flat-tailed horned lizard, and (4) the conservation value of different populations across the range of the species."

Please note that the flat-tailed horned lizard is now officially proposed for listing and, as such, is covered by Section 7(a)(4) of the Endangered Species Act of 1973 and its implementing regulations at 50 CFR 402.10. For any actions likely to jeopardize the continued existence of the flat-tailed horned lizard, BLM is required to initiate a section 7 conference with FWS.

Please submit your comments, if any, on the proposed listing to CA-930 (Attn: Ed Lorentzen) in an electronic format by April 16, 2002. Questions regarding the attached documents, or BLM's comments on the original proposal, may be directed to Mr. Lorentzen at (916) 978-4646.

Signed by:
James Wesley Abbott
Associate State Director

Authenticated by:
Richard A. Erickson
Records Management

Attachments

- 1 - Federal Register Notice Reinstating Proposed Threatened Status for the Flat-tailed Horned Lizard (2 pp.)
- 2 - Proposed Rule to List the Flat-tailed Horned Lizard as a Threatened Species (6 pp.)
- 3 - Federal Register Notice Withdrawing the 1993 Proposal to List the Flat-tailed Horned Lizard as a Threatened Species (9 pp.)

Distribution

AZ-930 (w/o attachments)
CA-920 (sent under separate cover)
CA-660 (sent under separate cover)
CA-670 (sent under separate cover)
WO-230, MS 204 LS (w/o attachments)